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GENERAL DEBATE: GOVERNMENT ACTION TO IMPLEMENT THE GLOBAL PROGRAMME OF ACTION AND POLICY DIRECTIVES ADDRESSED TO THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME, INCLUDING FOLLOW-UP TO GENERAL ASSEMBLY RESOLUTION 48/12

Implementation of General Assembly resolution 48/12, on measures to strengthen international cooperation against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities

Report of the Executive Director

Summary

The present report has been prepared pursuant to Commission on Narcotic Drugs resolution 13 (XXXVIII) in the context of its examination of the current status of international cooperation in drug control, initiated pursuant to General Assembly resolution 48/12. In that resolution, the Commission was entrusted with the responsibility to review the effectiveness of the international drug control instruments and to consider and make recommendations on a number of drug-related issues. A report on the subject by the Executive Director was presented to the Commission at its thirty-eighth session. In its resolution 13 (XXXVIII), the Commission requested the Executive Director to refine and elaborate, in consultation with Governments, the recommendations contained in that report. The present document reflects comments and additional information provided by Governments to the Executive Director as a result of that consultation. The Commission should report on those matters through the Economic and Social Council to the General Assembly at its fifty-first session.

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CONTENTS

	Paragraphs	*Page*
INTRODUCTION	1-5	3
I. RECOMMENDATIONS RELATED TO THE FUNCTIONING OF THE INTERNATIONAL DRUG CONTROL TREATIES	6-18	3
A. Simplified reporting on licit trade in narcotic drugs	9	4
B. Establishing an import and export authorization system for substances in Schedules III and IV of the Convention on Psychotropic Substances of 1971	10	4
C. Establishment of a simplified estimate (assessment) system for substances in Schedules II, III and IV of the 1971 Convention	11	4
D. More detailed reporting for substances listed in Schedules III and IV of the 1971 Convention	12	5
E. Harmonizing the scheduling criteria and decision-making process under the Single Convention on Narcotic Drugs of 1961 and the 1971 Convention	13	5
F. Review of existing definitions in the 1961 Convention and the 1971 Convention	14	5
G. Review of the adequacy of the control regime applicable to poppy straw	15	5
H. Review of the operation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988	16	5
I. Annual reports questionnaire	17-18	5
II. RECOMMENDATIONS RELATED TO THE INTERGOVERNMENTAL REVIEW OF DRUG CONTROL MATTERS	19-23	6
A. Second international conference on drug abuse and illicit trafficking	20-22	6
B. Expert group or similar forum to review alternative development programmes	23	6
III. RECOMMENDATIONS RELATED TO ACTIVITIES OF THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME	24-30	7
A. Non-medical use of drugs	25-26	7
B. Review of adequacy of penalties for drug-related offences	27	7
C. Human resource development	28	7
D. Relations with non-governmental organizations	29	8
E. Inter-agency involvement and cooperation	30	8
IV. RECOMMENDATIONS ADDRESSED TO STATES	31-51	8
A. Treaty implementation	32-35	8
B. Demand reduction	36-40	9
C. Illicit traffic	41-44	10
D. Funding the activities of the United Nations International Drug Control Programme	45-51	10
V. ACTION BY THE COMMISSION	52-60	11

INTRODUCTION

1. At the high-level plenary meetings at its forty-eighth session, the General Assembly adopted resolution 48/12, on measures to strengthen international cooperation against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities. In that resolution, the Assembly requested the Commission on Narcotic Drugs, with the support of the United Nations International Drug Control Programme (UNDCP) and in cooperation with the International Narcotics Control Board, to monitor and evaluate action taken to implement the international drug control instruments, with a view to identifying areas of satisfactory progress and weakness, and to make recommendations on those matters. In addition, the Assembly invited the Commission to report on its findings through the Economic and Social Council to the General Assembly at its fiftieth session.

2. The Commission at its thirty-seventh session, after discussing the requests contained in General Assembly resolution 48/12, adopted resolution 3 (XXXVII), in which it formulated the methodology that it wished to follow in responding to the requests. It decided to proceed on the basis of an assessment by the Executive Director of UNDCP, in cooperation with the Board and with the support of an ad hoc intergovernmental advisory group, as well as on the basis of a report by the Executive Director in the light of the work of its subsidiary bodies and the conclusions and recommendations of relevant conferences.

3. The Executive Director convened the ad hoc intergovernmental advisory group twice at Vienna, from 29 August to 9 September 1994 and from 14 to 18 November 1994, and prepared an assessment in his first report on the subject (E/CN.7/1995/14). At its thirty-eighth session, the Commission continued its examination of the implementation of General Assembly resolution 48/12 and adopted resolution 13 (XXXVIII), in which it established the procedure that it wished to follow in completing its examination of the issues raised in the Assembly resolution. In its resolution, the Commission requested the Executive Director to further elaborate and refine his recommendations on the basis of additional information obtained from Governments, for further consideration at its thirty-ninth session.

4. Accordingly, Governments were requested to transmit comments to the Executive Director by 1 December 1995. As at 1 February 1996, substantive replies had been received from Australia, Austria, Belgium, Brazil, Colombia, Peru, South Africa and United Kingdom of Great Britain and Northern Ireland.

5. The recommendations emanating from the first report of the Executive Director have been regrouped into four categories, taking into account, *inter alia*, the substantive content and the magnitude of programme budget implications. Section I deals with matters related to the functioning of the international drug control treaties. Sections II and III contain, respectively, recommendations relating to the convening of conferences or other meetings and additional activities undertaken by UNDCP; they therefore have potential programme budget implications for either the regular budget of the United Nations or the budget of the Fund of the United Nations International Drug Control Programme. Section IV concerns those recommendations that were addressed to States and those contained in the reports of the subsidiary bodies (E/CN.7/1995/9) which have few or no programme budget implications for the United Nations. Section V contains a listing of the recommendations that were refined in the light of the views expressed by Governments, as requested in Commission resolution 13 (XXXVIII).

I. RECOMMENDATIONS RELATED TO THE FUNCTIONING OF THE INTERNATIONAL DRUG CONTROL TREATIES

6. The present section reflects, in the light of additional comments received by Governments, the following recommendations contained in the report of the Executive Director on the implementation of General Assembly resolution 48/12 (E/CN.7/1995/14, paragraphs 46-49):

(a) Proposed amendments to the Single Convention on Narcotic Drugs of 1961[1] and the Convention on Psychotropic Substances of 1971;[2]

(b) The convening of two expert groups to review controls applicable to poppy straw and the adequacy of definitions in the 1961 and 1971 conventions;

(c) Review of the United Nations Convention against Illicit Traffic on Narcotic Drugs and Psychotropic Substances of 1988;[3]

(d) Data collection from Governments.

7. In his report, the Executive Director proposed that several provisions of the 1961 and 1971 conventions should be amended, in order to remove inadequacies in their control mechanisms and inconsistencies that had emerged in several areas, partly as a result of technological advances in the production and manufacture of drugs (E/CN.7/1995/14, paragraphs 8-20 and 46). The proposed amendments are discussed in detail in a publication of the Board on the effectiveness of the international drug control treaties.[4]

8. One respondent* did not share the assessment of the ad hoc intergovernmental advisory group and the Board that the 1961 and 1971 conventions had generally achieved their intended objectives, stating the drug problem had increased rather than decreased in magnitude during the previous 30 years. In the view of the respondent, while many diversions of licit drugs into the illicit traffic had been uncovered, the problem had not been corrected at its roots. There was a need to re-examine traditional ways of addressing drug control issues. Although it supported some of the amendments proposed, the respondent did not support the proposal to amend the conventions using the simplified procedure under article 47 of the 1961 Convention and article 30 of the 1971 Convention.

A. Simplified reporting on licit trade in narcotic drugs[5]

9. One respondent** concurred with the proposal for annual instead of quarterly statistical reporting on international trade in narcotic drugs but added that quarterly reconciliation at the domestic level would have to be maintained.

B. Establishing an import and export authorization system for substances in Schedules III and IV of the Convention on Psychotropic Substances of 1971[6]

10. No comments were received with respect to the recommendation on establishing an import and export authorization system for substances in Schedules III and IV of the 1971 Convention.

C. Establishment of a simplified estimate (assessment) system for substances in Schedules II, III and IV of the 1971 Convention[5]

11. One respondent** was in favour of establishing a simplified estimate (assessment) system for substances in Schedule II of the 1971 Convention but questioned the need to establish such a system for substances in Schedules III and IV. Another respondent*** felt that before a mandatory expansion of the estimate system for psychotropic substances could be considered, assistance should be provided to Governments in estimating more accurately their licit requirements for narcotic drugs and psychotropic substances.

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*Peru.
**Australia.
***South Africa.

D. More detailed reporting for substances in Schedules III and IV of the 1971 Convention[7]

12. The need for detailed reporting on the countries of origin of imports and the countries of destination of exports of substances in Schedules III and IV of the 1971 Convention was questioned by one respondent,* who believed that the additional efforts necessary to fulfil that requirement would outweigh potential benefits.

E. Harmonizing the scheduling criteria and decision-making process under the Single Convention on Narcotic Drugs of 1961 and the 1971 Convention[8]

13. No comments were received with respect to the recommendation on harmonizing the scheduling criteria and decision-making process under the 1961 and 1971 conventions.

F. Review of existing definitions in the 1961 Convention and the 1971 Convention

14. Two respondents** endorsed the proposal of the Executive Director to convene, in cooperation with the Board, a group of experts to review the adequacy of existing definitions in the 1961 and 1971 conventions. One of the respondents believed that the expert group should focus its work on cannabis products whereas the other emphasized the need to resolve and clarify ambiguities concerning coca bush cultivation and consumption of coca leaf.

G. Review of the adequacy of the control regime applicable to poppy straw

15. One respondent* stated that tight controls were maintained over commercially cultivated poppy straw in the country and expressed interest in participating in the above-mentioned expert group if it was to be established.

H. Review of the operation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

16. One respondent*** stressed the importance of a review of the 1988 Convention and considered that a mechanism to monitor the implementation of that Convention should be established urgently. Another respondent* believed that the Commission should include the review of the 1988 Convention as a regular item on its agenda.

I. Annual reports questionnaire

17. The proposals in the report of the Executive Director on the implementation of General Assembly resolution 48/12 (E/CN.7/1995/14) regarding shortening of the annual reports questionnaire and informing the Commission each year of the failure of States parties to the international drug control treaties to submit annual reports to the Secretariat have been implemented by the Secretariat. The Commission may wish to consider the feedback that it wishes to give to States parties to the international drug control treaties that consistently fail to provide the Secretariat with the information requested.

18. The Executive Director agrees with the Board that the benefits resulting from the institutionalization of currently voluntary but widely applied control measures would outweigh the efforts required to establish and

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*Australia.
**Peru and South Africa.
***Peru.

apply them universally. In connection with this and other treaty control measures, the Commission is invited to consider the recommendations contained in paragraphs 52-54 below.

II. RECOMMENDATIONS RELATED TO THE INTERGOVERNMENTAL REVIEW OF DRUG CONTROL MATTERS

19. The present section contains a review of recommendations on (a) the convening of a second international conference on drug abuse and illicit trafficking and (b) the establishment of a group to review the objectives of alternative development programmes, in the light of additional comments received by Governments (E/CN.7/1995/14, paragraphs 50 and 79 (a)).

A. Second international conference on drug abuse and illicit trafficking

20. At its thirty-eighth session, the Commission considered a proposal to convene a second international conference on drug abuse and illicit trafficking to review progress made by Governments and the United Nations system in combating drug abuse and illicit trafficking since the convening in 1987 of the International Conference on Drug Abuse and Illicit Trafficking. The Commission decided to keep the proposal under consideration.

21. Following its examination of drug control issues at its substantive session of 1995, the Economic and Social Council, in its resolution 1995/40, recommended that the General Assembly and the Commission on Narcotic Drugs give priority consideration to the proposal to convene such a conference. The General Assembly also considered the matter at its fiftieth session and in its resolution 50/148, section IV, requested the Commission to discuss the issue fully, as a matter of priority, at its thirty-ninth session; in addition, the Assembly stressed that, when considering the proposal for holding such a conference, the Commission should take into account international drug control priorities and resources and the financial and other implications of holding such a conference.

22. Two respondents* were of the opinion that such a conference would ensure the continuing commitment of Governments to the fight against drug abuse and illicit trafficking. One respondent** considered that any such event should be forward-looking and should promote innovative solutions instead of being overly influenced by traditional ways of addressing the problem. In its examination of the issue, the Commission is invited to consider the recommendation contained in paragraph 55 below.

B. Expert group or similar forum to review alternative development programmes

23. In his report on the implementation of General Assembly resolution 48/12 (E/CN.7/1995/14, paragraph 79 (a)), the Executive Director suggested that a monitoring and evaluation system should be set up in the form of an expert group, task force or other forum, in order to prioritize alternative development activities financed in part or fully by the Fund of UNDCP. The expert group would also establish objectives and expected results of alternative development programmes, monitor their progress and evaluate their effectiveness. Two respondents*** were of the opinion that the establishment of such an expert group could facilitate an examination of the issue. The Commission is invited to consider the recommendation contained in paragraph 56 below, which reflects those views.

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*Colombia and Peru.

**Peru.

***Peru and South Africa.

III. RECOMMENDATIONS RELATED TO ACTIVITIES OF THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME

24. The present section reflects comments by Governments on recommendations that would have an impact on activities of UNDCP relating to (a) legalization of the non-medical use of drugs; (b) the adequacy of penalties for drug-related offences; (c) human resource development; (d) relations with non-governmental organizations; and (e) inter-agency involvement and cooperation (E/CN.7/1995/14, paragraphs 52 (a) and (b), 79 (b), 95, 96 and 113 (b)).

A. Non-medical use of drugs

25. In his report on the implementation of General Assembly resolution 48/12, the Executive Director suggested that a two-pronged approach be adopted to address the issue of legalization of the non-medical use of drugs. First, UNDCP should undertake a study on the implications of decriminalization and of harm-reduction policies in countries in which those policies have been adopted (E/CN.7/1995/14, paragraph 52 (b)). While one respondent* supported that recommendation, another** believed that if implications of programmes based on a harm-reduction approach were to be assessed, other models of drug abuse programmes should also be evaluated and that any assessment of drug abuse programmes, including harm-reduction programmes, should be balanced and open-minded.

26. Secondly, in his report (E/CN.7/1995/14, paragraph 52 (a)), the Executive Director recommended that concrete and sound arguments against legalization of the non-medical use of drugs should be provided. One respondent* concurred with the proposal, pointing out that, at a time when pressure groups were using the media to obtain public support for the legalization of cannabis, it was important for Governments and non-governmental organizations to be armed with powerful counter-arguments. However, another respondent** felt that, if such research was undertaken, it would need to be impartial and to address both sides of the legalization argument in order to allow for a balanced and open debate. In this connection, the attention of the Commission is directed to the recommendation of the Executive Director contained in paragraph 57 below.

B. Review of adequacy of penalties for drug-related offences

27. Two respondents*** believed that the adequacy of penalties for drug-related offences should be further reviewed, in consultation with the Crime Prevention and Criminal Justice Division of the Secretariat. The attention of the Commission is drawn to the recommendation contained in paragraph 58 below, which reflects those views.

C. Human resource development

28. One respondent**** expressed satisfaction with the recommendations made by the Executive Director, including the proposal that UNDCP should draw up guidelines on possible approaches to be used in the training of demand reduction and law enforcement personnel (E/CN.7/1995/14, paragraph 95). Regarding the selection of trainees for training programmes organized by UNDCP, it was emphasized that it should be left to each Government to designate personnel who would receive the necessary training.

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*South Africa.
**Australia.
***Peru and South Africa.
****Peru.

D. Relations with non-governmental organizations

29. One respondent* believed that UNDCP should assist in developing a more proactive dialogue between the Commission and non-governmental organizations but questioned the purpose of UNDCP maintaining its own list of accredited non-governmental organizations that would be modelled on the list of non-governmental organizations in consultative status with the Economic and Social Council. Another respondent** considered that UNDCP should promote activities of non-governmental organizations and should encourage activities of the private sector. The recommendation of the Executive Director on this matter appears in paragraph 59 below.

E. Inter-agency involvement and cooperation

30. One respondent** was of the opinion that UNDCP should work more systematically towards involving all development agencies in international drug control activities. The drug control aspect should be incorporated into the United Nations country strategy notes, and UNDP resident representatives, in their capacity as resident coordinators of United Nations efforts at the country level, should be encouraged to give greater priority to drug control efforts. One respondent*** endorsed enhanced and continued cooperation between the World Health Organization and UNDCP in areas of mutual competence. Another respondent**** indicated that it was important to ensure that UNDCP acted as liaison between international organizations in order to reduce duplication of efforts and requests for and supply of information.

IV. RECOMMENDATIONS ADDRESSED TO STATES

31. A number of recommendations contained in the report of the Executive Director on the implementation of General Assembly resolution 48/12 (E/CN.7/1995/14) were addressed to States or Governments, with a view to improving international cooperation in the field of international drug control. In its resolution 13 (XXXVIII), the Commission invited States to give due consideration to those recommendations and to apply them where appropriate; in addition, the Commission requested States to inform the Executive Director of their findings on the recommendations, together with their views on the relevance and adequacy of the recommendations. The recommendations of the Executive Director on this matter appear in paragraph 60 below.

A. Treaty implementation

32. The present subsection reflects the recommendations on the implementation of the provisions of the international drug control treaties, in the light of additional information provided by Governments on their adequacy and on action taken by them (E/CN.7/1995/14, paragraphs 51, 52 (c), 79 (c) and 113 (a)).

33. Several respondents***** emphasized the importance of international cooperation in drug control and outlined steps their Governments had taken to conclude bilateral and multilateral mutual legal assistance agreements, as well as agreements promoting cooperation among their law enforcement agencies. Support was expressed for the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control[9]

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*South Africa.
**Peru.
***Australia.
****United Kingdom.
*****Australia, Austria, Brazil, Colombia, Peru and United Kingdom.

47. Two respondents* considered that 30 per cent of contributions to the Fund of UNDCP should be general-purpose, not earmarked contributions in order to ensure a measure of flexibility in the management of the operational activities of the Programme.

48. Several respondents** felt that Governments should intervene in the governing bodies of development agencies, international financial institutions such as the World Bank, regional development banks and other relevant forums in order to promote the inclusion of a drug dimension when development programmes were drawn up. Two respondents*** added that they had done so on several occasions. While supporting the idea, one respondent**** cautioned that the inclusion of a drug dimension in economic development programmes should not lead to additional indebtedness on the part of the countries concerned.

49. The suggestion that States parties to the 1988 Convention should consider adopting legislation that would permit a fixed percentage of confiscated assets to be used to support the fight against drug abuse and illicit trafficking, both bilaterally and through UNDCP, was specifically addressed by two respondents: one respondent**** felt that every Government should establish its own criteria and measures regarding the use of confiscated drug proceeds and that contributions to UNDCP should be made on an entirely voluntary basis; the other***** did not believe that it would be right to fund UNDCP from such a fluctuating and unpredictable source of income.

50. Several respondents† were of the opinion that States should consider encouraging activities of non-governmental organizations designed to raise funds for anti-drug programmes, including the promotion of educational and preventive campaigns; those respondents provided information on action taken in that regard.

51. One respondent**** agreed that Governments should be encouraged to provide complementary financial resources through co-financing or cost-sharing of programmes but pointed out that the extent of co-financing should be proportionate to the Government's economic situation. One respondent†† stated that it had already provided complimentary funding through its aid programme where bilateral priorities intersected with UNDCP.

V. ACTION BY THE COMMISSION

52. The Commission is invited to comment on the following proposed amendments to the 1961 and 1971 conventions:

(a) Providing for annual instead of quarterly statistical reporting on international licit trade in narcotic drugs;[5]

(b) Establishing a simplified estimate (assessment) system for substances in Schedules II, III and IV of the 1971 Convention, as well as an import and export authorization system for substances in Schedules III and IV of the 1971 Convention;[10]

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*Australia and Peru.
**Australia, South Africa and the United Kingdom.
***Australia and the United Kingdom.
****Peru.
*****United Kingdom.
†Australia, Peru, South Africa and the United Kingdom.
††Australia.

(c) Requiring detailed reporting on the countries of origin of imports and the countries of destination of export of substances in Schedules III and IV of the 1971 Convention;[6]

(d) Harmonizing the scheduling criteria and decision-making process under the 1961 and 1971 conventions.[8]

53. The Commission is invited to decide whether UNDCP should take steps to initiate a review of specific treaty-related drug control matters by convening:

(a) A group of experts to review, in cooperation with the Board, the adequacy of existing definitions in the 1961 and 1971 conventions, with particular reference to various cannabis and coca leaf products;[11]

(b) A group of experts to review, in cooperation with the Board, the adequacy of the control regime applicable to poppy straw, set down in the 1961 Convention, article 25.

54. The Commission is invited to address the question of how to implement its treaty obligation to review the operation of the 1988 Convention, pursuant to article 21 (a) of that Convention, and in particular the question of how to identify the mechanism by which it will carry out that review. In addition, the Commission is invited to consider whether it is necessary to include on its agenda a separate item on the review of the operation of the 1988 Convention.

55. As requested by both the Economic and Social Council in its resolution 1995/40 and the General Assembly in its resolution 50/148, section IV, the Commission should consider, as a matter of priority, the advisability of convening a second international conference on drug abuse and illicit trafficking, taking into account international drug control priorities and resources, the financial and other implications of holding such a conference, as well as other options that would ensure the continuing commitment of Governments to drug control at all levels and would further strengthen the implementation of existing international conventions and other international instruments for cooperation on drug control.

56. The Commission is invited to decide whether UNDCP should convene a group of experts to establish objectives and expected results of alternative development programmes and to monitor and evaluate their effectiveness.

57. The Commission is invited to decide whether UNDCP should research the issue of legalization of the non-medical use of drugs, taking into account arguments put forward by proponents and opponents of such legalization, as well as its consequences in countries where such policies have been adopted, and should disseminate the results of that research to Governments and other interested parties.

58. The Commission is invited to decide whether UNDCP should further review the adequacy of penalties for drug-related offences, in consultation with the Crime Prevention and Criminal Justice Division, and report its findings to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice.

59. The Commission is invited to consider how UNDCP could further develop an active dialogue with non-governmental organizations, in order to encourage their active participation in drug abuse control programmes and projects.

60. The Commission is also invited to consider the following recommendations to be addressed to States for consideration and implementation:

(a) States should continue to cooperate by concluding bilateral and multilateral agreements, particularly concerning mutual legal assistance and money-laundering, with a view to enhancing their implementation of the international drug control treaties;

(b) States are invited to make increased use of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action at the national level as instruments for implementing the international drug control treaties;

(c) States should continue to explore the possibility of applying alternative measures to conviction or punishment for drug-related offences;

(d) States should draw up, with the assistance of UNDCP where necessary, national drug control strategies or master plans defining their objectives and priorities and determining the steps to be taken to implement them, thereby also providing a basis for developing a subregional strategy;

(e) States should consider including in national drug control strategies or master plans a demand reduction programme adjusted to local conditions and needs which includes activities in both the public sector and the private sector;

(f) States are invited to inform UNDCP of national demand reduction programmes in order to share their experiences with other States;

(g) States should reaffirm their commitment to UNDCP by contributing to it in a continuing and consistent pattern;

(h) States should, to the extent feasible, honour their pledges in a timely manner in order to enable UNDCP to maintain an adequate cash-flow;

(i) States that contribute to UNDCP should consider that, in order to ensure a measure of flexibility in the management of UNDCP operational activities, the total contributions from individual donor States should allow the utilization of 30 per cent by UNDCP as general-purpose contributions;

(j) States that receive assistance from UNDCP should provide, to the extent possible, complementary financial resources through co-financing or cost-sharing of programmes at the national and subregional levels, in cash or in kind.

Notes

[1]United Nations, *Treaty Series*, vol. 520, No. 7515.

[2]Ibid., vol. 1019, No. 14956.

[3]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[4]*Effectiveness of the International Drug Control Treaties: Supplement to the Report of the International Narcotics Control Board for 1994* (United Nations publication, Sales No. E.95.XI.5).

[5]Ibid., paras. 32-34.

[6]Ibid., paras. 57-60.

[7]Ibid., paras. 61-62.

[8]Ibid., paras. 63-68.

[9]*Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987* (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

[10]*Effectiveness* ..., paras. 55-57.

[11]Ibid., paras. 38-49.